



**SO ORDERED.**

**SIGNED August 18, 2006.**

A handwritten signature in cursive script, reading "Gerald H. Schiff", is written over a horizontal line.

**GERALD H. SCHIFF  
UNITED STATES BANKRUPTCY JUDGE**

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**IN RE:**

**JAMES E. JOHNSON, JR., and  
DORA G. JOHNSON,**

**CASE NO. 05-53918**

**Debtors**

**CHAPTER 13**

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**MEMORANDUM RULING**  
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Presently pending before the court is the Motion for New Trial or Rehearing ("Motion") filed by Toyota Motor Credit Corporation ("TMCC"). A hearing on the Motion was held on August 9, 2006. After hearing argument of counsel the matter was taken under advisement.

The court has carefully considered the argument of TMCC, presented both in oral argument and by memorandum. Notwithstanding the forceful position, the court is convinced that its Reasons for Decision entered July 20, 2006, is correct. The "totality of

circumstances" approach is the proper test for determining whether a vehicle was "acquired for the personal use of the debtor" within the meaning of the "hanging paragraph" which follows 11 U.S.C. § 1325(a)(9). Accordingly the Motion is **DENIED**.

**IT IS SO ORDERED.**

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